IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

FAO No.112 of 2007
Date of Decision: 15.1.2007

Harpreet SIngh

Appellant

versus

Baljit Kaur

Respondent

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE BALDEV SINGH

Present: Shri Parminder Singh-I Advocate for the Appellant

Jasbir Singh, J. (Oral)

This appeal has been filed against award dated 28.8.2006, vide which, Motor Accident Claims Tribunal, Muktsar (in short, the Tribunal) awarded an amount of Rs.1,50,000/- towards compensation, on account of death of Jagpal Singh, who died in a motor accident on 27.5.2005, which occurred due to negligence on part of the appellant. The Tribunal, on analysis of evidence, regarding factum of accident, has observed thus:-

> *"I have carefully considered this contention advanced by the ld. counsel for the respondent, but am unable to agree with it. Simply on the ground that Jagpal Singh was not having driving licence or was minor or that his scooter hit on the side of the Jeep, it cannot be inferred that the accident, in question, took place due to rash and negligent driving of the scooter by Jagpal Singh deceased. After the accident, Jeep turned turtle. This fact is even admitted by RW1 Harpreet Singh respondent, in his affidavit Ex.RA although, according*

to him, in an attempt to save the scooterist, his Jeep turned turtle. The fact that the Jeep of the respondent turned turtle after the accident clearly suggests that he was driving the jeep at a high speed. It was not disputed by the ld. counsel for the respondent, at the time of arguments, that the case regarding this accident is pending in court against the respondent. So, the police after investigation also found that the accident, in question, took place due to rash and negligent driving of the abovesaid Jeep by the respondent. So, this fact also tends to corroborate the version of the claimant. In the abovestated circumstances, I have no hesitation to hold that the accident, in question, took place due to rash and negligent driving of the abovesaid Jeep by the respondent, in which, Jagpal Singh deceased received serious injuries and died at the spot. Consequently, both these issues are, accordingly, decided in favour of the claimant and against the respondent."

We feel that the finding given above is perfectly justified. In view of evidence on record, negligence in causing the accident on the part of the appellant is writ large on record. We also feel that the amount of compensation awarded is just and proper. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

January 15, 2007 **(Baldev Singh)**
gk **Judge**